

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	§ Notice of Allowance Date:
Dan Stoianovici	§
Louis R. Kavoussi	§ Group Art Unit:
Assignee: The Johns Hopkins University	§ Examiner: <i>12/15/03</i>
Application No.: 10/666,213	§
Filed: September 18, 2003	§ Class-Subclass:
For: Planetary-Harmonic Motor	§ Atty. Dkt. No.: JHUSK1
	§

PETITION TO WITHDRAW A HOLDING OF ABANDONMENT

Facsimile Transmission: 703-308-7751

Commissioner for Patents  
U.S. Patent & Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

ATT: Ms. Doshie Day, Initial Examination Division

Dear Ms. Day:

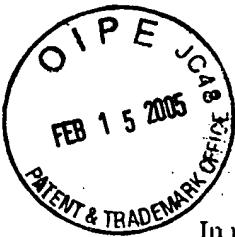
In response to a 12/3/2004 dated "Notice Of Abandonment" for the above referenced patent application, Applicants hereby petition to withdraw this holding of abandonment. The reasons that this holding of abandonment should be withdrawn include:

(1) The 12/3/2004 holding of abandonment for failing to reply to a 3/12/2004 mailed "Notice To File Missing Parts" is improper because the Applicants did properly reply to the USPTO's 3/12/2004 communication.

Attached is a copy of the Applicants' replies which were facsimile communications of 4/20/04 and 4/21/04 that were made at the suggestion of your office's Delora Dillard regarding this matter.

*2634*

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In re Application of:

Dan Stoianovici

Louis R. Kavoussi

Assignee: The Johns Hopkins University

Application No.: 10/666,213

Filed: September 18, 2003

For: Planetary-Harmonic Motor

02/16/2005 FMETEK11 00000037 501082 10666213

01 FC:2051 65.00 DA

§ Notice of Allowance Date:

§ Group Art Unit:

§ Examiner:

§ Class-Subclass:

§ Atty. Dkt. No.: JHUSK1

INFORMAL COMMUNICATION

Facsimile Transmission: 703-746-6612

Ms. Eleanor Kurtz  
U.S. Patent & Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Ms. Kurtz:

Thank you for our just concluded conversation and your willingness to help resolve the problems with the above referenced application.

As promised, there follows a copy of the Return Receipt Postcard for my 1/20/04 filing which indicates that the OIPE received my response, including my check, to its 11/6/03 Notice and my 12/7/04 "Petition To Withdraw a Holding of Abandonment". I continue to believe that my 1/20/04 response should have resolved all of this application's problems.

If it happens that the OIPE still wants \$65.00 to resolve this application's problems, I will consider this to be unjust, but I hereby authorize you to charge such an amount to my Deposit Account No. 501082 in order to aid in resolving this matter ASAP.

Again, thanks for your help!

Respectfully,

Date: 2/16/05

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These communications reveal that the USPTO's issuance of the 3/12/2004 Notice was itself a mistake as it pertained to a \$65.00 fee for which the USPTO had already been paid by the Applicants 1/12/2004 submission of a check for this amount.

Proof of this submission is evidenced by the Applicants' receipt of their "Return Receipt Postcard" for this filing which was marked by the USPTO as having been received at the USPTO on 1/23/2004. See copy of Applicants' 4/20/04 reply to Ms. Dillard.

These matters were all fully discussed with Ms. Dillard in a telephone conversation of 4/20/04 and it was she who advised the Applicants to make the filings which they subsequently made on 4/20/2004 and 4/21/2004. These filings included providing Ms. Dillard with a copy of the Applicants 1/20/04 filing and a copy of their returned, USPTO stamped 1/23/2004, return receipt postcard which was evidence of the \$65.00 payment having been made.

(2) The Applicants never should have been put in the situation of having to reply to the USPTO's 3/12/2004 communication, since this communication was issued as a result of an error that was made at the USPTO in their handling of the Applicants' 1/20/2004 filing. See the content of the 4/20/04 communication to Ms. Dillard.

(3) The Applicants argue that they were entitled to assume that their 4/20/2004 and 4/21/2004 responses were adequate and were being handled by Ms. Dillard and that they had no reason to think that a clock was still running which required a further response from the Applicants and which eventually triggered the issuance of this Notice of Abandonment.

The Applicants twice called Ms. Dillard after their 4/20/04 and 4/21/04 fax communications to check on the status of this matter; however, they missed Ms. Dillard and had to leave voice messages for her, which included a request for a return phone call. If Ms. Dillard tried to return these calls, there is no record of it in the Applicants' attorney's office.

(4) If there are any outstanding issues with the Applicants' 1/12/2004 filing which eventually led to the issuance of this Notice of Abandonment, the Applicants argue that it is only fair that these be resolved without the burden of placing the Applicants' application in a condition of abandonment for actions which were not the direct fault of the Applicants. For example, if the USPTO maintains that the \$65.00 late fee for the 1/12/2004 filing is still an issue, the Applicants hereby offer to resolve this matter by enclosing a filing which authorizes the charging of this fee to the Applicants' attorney's deposit account. A duplicate copy of this charge authorization is enclosed.

Received today via VSTA No. 10/666, 213, Attn. P.M.  
No. JHUSKI, The Secretary  
(1) Response To Notice  
(2) Inventory Document  
(3) (4) (5) (6) (7) (8)  
(9) 95.00 check

Received today via V.S. Ted (Ken) Mat,  
postage prepaid, with a fly back to:  
January 20, 2004

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Received today regarding USTRA No. 15/662,213, Ad. D.L.  
No. JHUSKI, the following:

- (1) Response To Notice
- (2) Inventor's Declaration
- (3) Copy of Notice
- (4) \$5.00 check

Record today via U.S. Fed. Exp. M/T,  
Postage prepaid, with a filing date of;  
January 20, 2004

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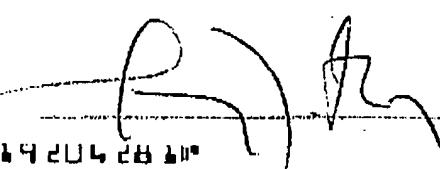
**GUFFEY**  
LARRY J.  
PATENT ATTORNEY

THE WORLD TRADE CENTER, SUITE 1800  
401 EAST PRATT STREET  
BALTIMORE, MD 21202  
410-559-9550

2951

7-11/62  
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PAY TO THE ORDER OF: Commission For Patents & Trademarks DATE 1/20/2004

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